

## **FARMINGTON CITY COUNCIL MEETING**

### **February 5, 2019**

#### **WORK SESSION:**

*Present: Mayor Jim Talbot; Councilmembers Brett Anderson, Doug Anderson, Rebecca Wayment, Alex Leeman; City Manager Shane Pace, Assistant City Manager Keith Johnson, Community Development Director Dave Petersen, City Recorder Holly Gadd, and Recording Secretary Brittney Whitecar*

*Excused: Councilmember Cory Ritz & Economic Development Director Brigham Mellor*

#### **The Haws Group**

**Rich Haws** and **Scott Harwood** detailed their plans for the completion of the Park Lane Commons project. The focus was the OMU (Office Mixed Use) area north and west of Red Barn which will include several office buildings designed with a large parking lot in the center.

**Scott Harwood** reviewed the success of Red Barn and said that students from Red Barn will be employed at the Sticky Bird Chicken restaurant, which is part of the development, as part of their culinary arts program.

**Rich Haws** presented their affordable housing plan just North of the Red Barn building. The location is near public transportation access and services. Affordable housing statistics are concerning, as there are many people on waiting lists for affordable or subsidized housing in Davis County. Somewhere between 70 and 125 units are possible in the project, depending on funds.

**Judge John Mammott** hopes that corporations will fund the housing instead of federal government so rules can be placed on the housing such as no smoking. They would like to build a high quality building with subsidized rent and not a basic building that presents itself as “low income” housing.

**Mayor Jim Talbot** said there is a big push from the state to provide affordable housing. If Haws is a pioneer in doing this, he is concerned of the number that will be available as the state will push for as many units as possible. He is very concerned that Farmington do this correctly as to become a standard for other cities in the County.

#### **Rock Mill Estates Subdivision Street Light Proposal**

**Dave Petersen** said that Symphony Homes recently came to him with a plan for lanterns sitting on stone blocks resembling mailboxes that they believe to have been approved within the Rock Mill Subdivision. He asked the City Council what they recall approving in the June 5, 2018 City Council meeting. **Rebecca Wayment** recalled approving lanterns in addition to a couple of street lights within the subdivision.

Staff specifically asked each member of the City Council about the street lights and lanterns. The Council directed staff to remove the two street lights recently installed within the Rock Mill Estates Subdivision north of 600 North Street, but keep the wiring and cap the connections in place in the event street lights are needed in the future. The Council agreed and the developer should implement the lanterns.

## **REGULAR SESSION**

*Present: Mayor Jim Talbot; Councilmembers Brett Anderson, Doug Anderson, Rebecca Wayment, Alex Leeman; City Manager Shane Pace, Assistant City Manager Keith Johnson, Community Development Director Dave Petersen, City Recorder Holly Gadd, and Recording Secretary Brittney Whitecar*

*Excused: Councilmember Cory Ritz & Economic Development Director Brigham Mellor*

### **CALL TO ORDER:**

#### **Roll Call (Opening Comments/Invocation/Pledge of Allegiance)**

**Mayor Jim Talbot** opened the meeting at 7:03 p.m.

The invocation was offered by **Alex Leeman** and the Pledge of Allegiance was led by scout **Sam Hillier** from Troop #3278.

### **PUBLIC HEARINGS**

#### **North Cottonwood Schematic and Preliminary PUD Master Plan – Craig North**

**Dave Petersen** introduced the item. The property is located South of the Lagoon Campground just East of 400 West. The developer provided four plans for this development, varying in lot numbers, lot sizes and the option for state street access vs 400 West access only. The plan favored most by the public and Planning Commission has no lots or access on State Street and includes 15 instead of the original 16 lots, with the only access coming from 400 West. The developer has met with the Historic Preservation Committee since this development falls in a historic district.

**Brett Anderson** asked why this plan requires a PUD. **Dave Petersen** said some of the lot sizes are not standard for the zone.

**Dave Petersen** said that the Planning Commission suggested sidewalks on the North side of the street. The original plans did not show sidewalks but a future connection from the development to the adjacent Farmington Creek trail is more possible if a sidewalk exists on that side of the road. The planning commission also showed safety concerns with the lack of sidewalks. **Mayor Talbot** asked what the thinking was with not requiring sidewalks on both sides. **Dave Petersen** said it is just a matter of size, as they may not fit on the south lots.

**Craig North** 6161 S. 1375 E. South Ogden, UT said the 4<sup>th</sup> plan showcases the best compromise between the public, developer, and the Planning Commission. **Mayor Talbot** asked what the nearby residents main concerns have been with the development and asked if Craig feels like he addressed those concerns. **Craig North** said the major concern was interrupting State Street, which was not favored by the neighbors. In response, he has eliminated State Street lots and access.

**Doug Anderson** asked what concerns the Historic Preservation Committee had. **Craig North** said maintaining the historic Clark home on State Street was a concern. There was more concern about the subdivision layout and avoiding interrupting State Street than anything else. **Rebecca Wayment** asked if he has been given requirements about building design. **Craig North** said that because this is in a historic zone there are building requirements.

**Alex Leeman** asked if a sound barrier has been planned between Lagoon and the North end of the development. **Doug Anderson** was curious about that as well. **Craig North** said he would expect that potential buyers would see the Lagoon roller coaster and be aware of the conditions that are agreeing to. **Brett Anderson** brought up that in the past, there have been issues with sound walls as sound tends to bounce up and over them, creating more sound. He said providing greenery or sound proof windows may be options as the homes develop. **Dave Petersen** said that the issue with a wall or a barrier lining the North back yards is that you'd lose visibility of the creek from the trail, defeating the appeal of said trail. If, in attempts to get around that, you construct the wall inside the creek, the North lots lose too much square footage and visibility of the creek. **Dave Petersen** said that sound from Lagoon will be available to buyers in the CCR's (covenants, codes, and restrictions) and titles for the lots.

#### Public Hearing

**Mayor Jim Talbot** opened the public hearing at 7:31 p.m.

**Adam Leishman** 254 E. 200 S. Farmington, UT represented Lagoon with concern for the sound issue and traffic that may arise due to the proximity of Lagoon. Asked that attempts be made during construction and landscaping be made to decrease sound coming from the park. Lagoon is concerned with the 400 West access, as Lagoon was required by the City to provide separate exit and entrance access points off of 400 West decades ago because of traffic concerns. **Adam Leishman** said Lagoon is surprised to see such a dense subdivision entering a historic zone as they do not feel that it meets standard Farmington atmosphere.

**Mayor Jim Talbot** Closed the Public Hearing at 7:36 p.m.

**Mayor Jim Talbot** brought up the sight distance on 400 West. **Dave Petersen** said that the visibility has been found to be sufficient because the turn is not sharp and does not have any obstruction.

**Alex Leeman** said that would like to add a condition alerting potential buyers of the noise from Lagoon. **Rebecca Wayment** said she would like to add a condition regarding some sort of landscape barrier to help with the noise.

#### Motion:

**Brett Anderson** made a motion that the City Council approve the Schematic Plan alternative number 4 and Preliminary PUD Master Plan for the North Cottonwood Subdivision, subject to all applicable Farmington City Ordinances and development standards as well as conditions 1-9, amending condition 8 regarding a waiver adding sidewalks on both sides to be determined at Preliminary Plat, and the addition of a sound buffer to condition number 9, adding a condition number 10; alerting potential buyers of the noise coming from Lagoon. **Doug Anderson** seconded the motion which was unanimously approved.

#### Conditions:

1. The applicant present findings from consultation with Historic Preservation Commission at Preliminary Plat.
2. The applicant must address all DRC Comments on Preliminary Plat.

3. The applicant must present general location and size of dwelling units and structures in the Planned Unit Development.
4. The applicant must show the flood plain on the Preliminary Plat and obtain Davis County Flood Control Permit.
5. 50 North Street must stub to the east boundary of the project.
6. Restripe 400 west as approved by the City's Transportation Engineer.
7. The applicant will meet all design guidelines for Design Standards for the Old Townsite Residential Zone.
8. The applicant must install sidewalk and parkstrip on the north side of 50 North Street.
9. The applicant submit a landscaping plan prior to preliminary plat.

Findings:

1. The proposed subdivision conforms to all of the development standards as set forth in the Farmington City Subdivision and Zoning Ordinances.
2. The proposed Schematic Plan accesses the site from 400 west addressing the public's concern about state street access and the City's Transportation Engineer will provide a recommendation regarding restriping.
3. The proposed plans are consistent with the General Plan and underlying zone.
4. The site is located in the Clark Lane Historic Landmark District and as such each future lot owner must receive a certificate of appropriateness prior to receiving a building permit for any home or structure within the subdivision. This is in addition to the PUD and OTR Requirements.
5. A successful project will better enable the Clark Family to preserve the historic family home at 368 W State Street.
6. Preservation of the Clark Home will provide a way for the developer to meet the open space requirements of the PUD zone, which in turn gives greater flexibility for lot sizes, building setbacks and lot widths for a better development on 50 North street

**East park lane Ph. 2 Rezone and Schematic Plan – Phil Holland**

**Dave Petersen** provided the Planning Commission decision tree for this development, which includes public correspondence, maps, and the Planning Commission meeting minutes from January 10<sup>th</sup>, 2019. He read the text from the 2004 sub-area master plan for the area. The proposal appears to be in line with the general plan and sub-area master plan maps. The developer is no longer presenting patio homes on Main Street per concern from the citizens. The section lining main street is now larger lots with single family homes.

The developer is asking for R (residential) and CMU (commercial mixed use), and will blend the density, using Lagoon drive as a natural separation. The residential zone designation has been added in the case

that this development does not go through. This restricts future developers from proposing high density development on the property should this developer not carry out this plan.

The Planning Commission recommends zoning the east and west side of Lagoon Drive R (residential) and the north side where Lagoon Drive turns CMU (commercial mixed use), stripping residential development rights from the west side to include the office buildings shown on the plan.

**Alex Leeman** asked if the City Council do a re-zone now and some of the north lots turn out to be undevelopable due to the wetlands, are the lost number of lots able to be pushed over to the developable area, compressing the lots? **Dave Petersen** said no, they wouldn't be able to push the development over but the City and developer may need to come to a compromise if such situation arises.

**Phil Holland** 1178 Legacy Crossing Blvd, Centerville UT said there have been a lot of factors involved in getting the development to this point. He said that residents had issues with Main Street access being added but it has since been discovered that Main street access is required here because the standard Farmington City block size would be exceeded without it. He said to try to alleviate the problem and not present the new street as a main access road to Lagoon Drive, it has been curved through the neighborhood, thus not presenting a direct route to Lagoon Drive and State Street.

**Phil Holland** said they have incorporated a 15 ft. landscape buffer along Lagoon Drive to add to the aesthetics of the subdivision and create a separation between Lagoon Drive and the back yards that will line it.

#### Public Hearing

**Mayor Jim Talbot** said the City received letters of concern from Howard Hess and Dave Dixon that the Planning Commission, staff, and City Council have seen.

**Mayor Jim Talbot** opened the public hearing at 8:17 p.m.

**Mark Cahoon** 877 N. Main Street, Farmington, UT asked if the developer can deviate from the density that the City approves in this City Council meeting.

**Howard Hess** 1097 Country Bend Rd. Fruit Heights, UT Believes boundaries have been pushed and there is a pattern from the City neglecting traffic studies and wetlands, pushing them down the road too far into the future. He said there is a spring creek water right in the development area and believes the City is in a grave position granting development entitlements on the land that they will regret later.

**Eric Aston** 1033 N Main Street, Farmington UT appreciates single family housing instead of multi-family development but doesn't see enough open space and doesn't believe neighborhoods without sidewalks on both sides are walkable or family friendly. He said sidewalks and a park would be appreciated.

**Marilee Cahoon** 877 N. Main Street, Farmington UT said Wright Development is a broker and may sell the development to another broker. If that happened, would the new developer have to start over and get City approval before creating a whole new plan for the property?

**Ronald Nabrotzky** 878 N Main Street, Farmington, UT said he lives across the street from the proposed Main Street access on this development. Asked if an updated traffic study has been done, saying the traffic on Main Street is bumper to bumper at high traffic times. He said he believes that making a left turn into the new development off of Main Street would cause a backup behind the turning vehicle

**Lori Conover** 469 Quail Run Rd, Farmington UT wanted to verify that this is being re-zoned to R (residential). She wants to make sure that the proposed main Street lots compliment what already exist on Main Street.

**Mayor Jim Talbot** closed the hearing at 8:35 p.m.

**David Petersen** said that if the developer were to change, the residential zone would already be set, greatly limiting the possibilities for the land. **Mayor Jim Talbot** wanted to make sure the public understands the zoning protocol and asked Dave to clarify that the zone will be held to the decision made by the City Council at this time. **David Petersen** said yes, the developer is locked in to tonight's zoning designation.

**Mayor Jim Talbot** expressed concern that this ground includes a wetland and asked what is being done to channel spring creek and the wetlands existing in the area. **Dave Petersen** says that the wetland is mostly to the south-west of this development, but where the CMU homes are being proposed will need to be checked out by the Army Corps of Engineers before this development progresses.

**Alex Leeman** explained to the public that the discussions being conducted tonight are the beginning stages of the legal process of development and the fact that not all development decisions are being made immediately is not "kicking problems down the road" as has been referred to by a citizen. Future issues arise in discussion to ensure that boxes are checked and traffic/environmental issues are discovered and solved throughout the process. The step at hand is simply re-zone, with future matters blending into the discussion in order to prepare the City Council for matters that will certainly arise during future steps of development.

**Rebecca Wayment** said that allowing 71 single family homes without walkability to local schools is dangerous in her mind as a parent. She would like to know if the City would be willing push putting sidewalks in this development as well as on Main Street in order to increase safe walkability, especially for children. **Dave Petersen** said the City received a grant from UDOT (Utah Department of Transportation) for Main Street sidewalks on the East side of Main. Said it may be able to be switched to the West side, or be requested on both sides of the street. **Rebecca Wayment** asked if connector trails could be considered so children don't have to walk along Main Street to get to school.

**Brett Anderson** read in the code that CMU zones require sidewalks and single family homes must include a proposed curb and gutter as well as sidewalks. **Dave Petersen** said that issue is part of the need for the PUD (Planned Unit Development) – which allows the developer to deviate from codes standards within a zone. **Brett Anderson** asked if the City Council could add a condition to include sidewalks. **Dave Petersen** said that the issue at hand is simply re-zone, so the sidewalk issue will have to be brought up further along in the process.

**Mayor Jim Talbot** said the council is certainly getting ahead of the decision at hand which is simply re-zone by discussing wetlands, a traffic study, sidewalks, etc., but since this is a public hearing, the public's concerns need to be acknowledged and their questions may alert the developer of what questions and issues are to come further along in the project.

**Alex Leeman** and **Doug Anderson** expressed that they were not eager to approve this development without sidewalks. **Alex Leeman** appreciates the winding road off the Main Street access as it does not present a direct route to Lagoon Drive which would encourage through traffic. **Alex Leeman** cleared up

the confusion that these applications stick with the land and do not change if a developer changes. If the Wright Group sells this land, a new developer cannot deviate from this plan without completely starting over and getting Planning Commission and City Council approval.

**Phil Holland** clarified that the Planning Commission recommended CMU to the west and R to the east of Lagoon Drive. Not, LR which has been mistakenly mentioned several times this meeting. Only the Main Street stretch remains LR.

Motion:

**Doug Anderson** made a motion that the City Council approve the rezone of up to 17.72 acres of property located at the North End of Lagoon Drive, North of Park Lane and West of Main Street at approximately 900 North from A (Agricultural) to LR (Large Residential) and LR (Large Residential) to R (residential) on the North and East side of Lagoon Drive, and CMU (Commercial Mixed Use) on the West side to Lagoon Drive, and arrange a TDR to transfer the residential density from the west to the east side of Lagoon Drive regarding the proposed subdivision, and approve the schematic plan related thereto, along with findings 1-5. **Alex Leeman** seconded the motion, which was unanimously approved.

FINDINGS:

1. The rezone request is consistent with the 2004 General Land Use Plan Map.
2. The request is consistent with the sub-area master plan adopted by the City in 2018.
3. The applicant did not request the CMU zone for the entire project, but instead petitioned for the LR zone on some of the area. Moreover, the Planning Commission further recommended no CMU zone east of Lagoon Drive and a TDR shifting residential density from one side of the major collector road to the other. This places a legislative threshold on this phase of the project, ensuring that the applicant's densities and layout are consistent with the master plan even though a CMU designation on the entire area would have dictated a possible higher residential density otherwise.
4. Unlike what is shown on the master plan, the applicant is pulling back CMU type uses from Main Street, meeting a commitment made to the City, and is willing to explore other low density residential designations on the east border of this project such as in the OTR zone.
5. The developer's schematic plan does not provide direct access from Lagoon Drive to Main Street, which some view as a positive attribute of the plan.

**SUMMARY ACTION**

1. Approval of Meeting Minutes from January 22, 2019
2. Ordinance Amending Title 10-2-070 to Adopt the 2017 National Electric Code
3. Estimate with Marsh Construction for Concrete for the City Hall Parking Lot Project
4. Resolution Amending the Consolidated Fee Schedule Related to the Baseball and Softball tees

Motion:

**Rebecca Wayment** made a motion that the City Council approve the Summary Action List items 1-4 as listed in the Staff Report. **Alex Leeman** seconded the motion, which was unanimously approved.

## **GOVERNING BODY REPORTS:**

### **City Manager Report**

**Shane Pace** said that Alan Cottle has an interest in providing an easement for the last portion of the trail in the Creekside Manor subdivision. He has asked the City to prepare a proposal, which will be completed and presented to him.

Next City Council meeting will be the Budget Process meeting. Department heads have been made aware of the projected revenues. The budget process is being digitized this year and department heads are now able to submit their budgets online which seems to be a well-received change.

**Holly Gadd** said voting changes are being implemented this year. The voting machines that the City had are now obsolete. If residents want to vote at the polling place this election, they will be handed a paper ballot just like the ones sent out in the mail. A contract will be in place for all Cities to count and prepare ballots. That proposal will be brought up in the budget meeting for consideration.

**Keith Johnson** said that the City received a check from David County for \$57,000 on February 4<sup>th</sup>, 2019. The County realized through an audit that they've been shorting Farmington several years regarding justice court charges. The police department has requested some of the money to buy new equipment.

### **Mayor Talbot**

**Mayor Jim Talbot** Reminded the City Council to take their assignments seriously and be a positive liaison between the City Council and the City committees to which they are assigned. He reminded them that their City Council Report time is when the councilmembers should share the details of their assignments among each other.

### **Councilmember Brett Anderson**

**Brett Anderson** said he has been contacted by citizens regarding the living conditions of animals kept at Lagoon; asking if the City has any authority to monitor or remove their license. **Mayor Jim Talbot** said that the City has no control over the licensing or containment of the animals.

### **Councilmember Doug Anderson**

**Doug Anderson** reported that a resident spoke with him about Farmington gym passes. The City website says a family pass is good for up to 5 family members and everyone after number 5 is an additional \$10. The resident asked that the family pass be increased from 5 people since many of the residents in the city have more than 3 children, making the household larger than the allotted 5 family members.

### **Councilmember Alex Leeman**

**Alex Leeman** said his assignment is liaison for the League, which he is by no means an expert on. He asked Shane Pace and the Mayor to make him aware of when they meet. **Mayor Jim Talbot** said they meet on Mondays during legislation and suggested that Alex go to the League meetings at noon for the next 6 Mondays with Shane Pace.



**Councilmember Rebecca Wayment**

No Comments

**ADJOURNMENT**

***Motion:***

At 9:41 p.m., **Doug Anderson** moved to adjourn the meeting. Alex Leeman seconded the motion, which was unanimously approved.

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**Holly Gadd**, City Recorder

**Posted 03/20/2019**